

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF DELAWARE**

In re: Kaiser Group International, et al.

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Kaiser Group International, Inc., et al.,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 14-321
	:	Bankruptcy Case No. 00-2263
International Finance Corporation,	:	ADV 01-928
	:	AP No. 14-3
Appellee.	:	

**RECOMMENDATION**

At Wilmington this **25<sup>th</sup>** day of **March, 2014**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. According to the parties, this matter was referred for arbitration before a three-member tribunal of the International Court of Arbitration, which held a multi-day evidentiary hearing and ultimately issued an award in favor of International Finance Corp. The matter on appeal is whether it was appropriate to send the dispute to arbitration, and the parties advise there is no middle ground that could lead to a

mutually acceptable resolution.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties through this order are advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. In light of their mutual position regarding mediation, it is understood an objection will not be asserted.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE